

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

SAMUEL TURNER POOLE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 99-635-SLR
	)	
STAN TAYLOR, and	)	
RAPHAEL WILLIAMS,	)	
	)	
	)	
Defendants.	)	

**DEFENDANTS' REVISED RESPONSE TO PLAINTIFF'S REQUEST FOR  
PRODUCTION OF DOCUMENTS**

Defendants hereby revise and respond to *Plaintiff's Request for Production of Documents*<sup>1</sup> in accordance with the Court's June 27, 2006 Order.

1. Any and all suits filed against the state for placing inmates on the floor followed by any of Complaints in the state at the other three prisons Smyrna and Georgetown and Gander Hill.

**RESPONSE:** Defendants are aware of two lawsuits that include claims that some inmates were assigned to sleep in areas of correctional facilities that were designed for other uses or claims that mattresses were added to existing cells. Those cases are: *Hubbard, et al. v. Taylor, et al.*, C.A. No. 00-531 SLR, U.S. District Court for District of Delaware (Docket is attached) and *Dickerson, et al. v.*

---

<sup>1</sup> Each Interrogatory is entered as presented to the Defendants by the Plaintiff in its entirety. The defendants has not altered the sentence structure or made grammatical or spelling corrections.

*Thomas Carper, et al.*, C.A. No. 10256, Delaware Court of Chancery (September 7, 1995 Memorandum Opinion is attached). Also being produced are deposition transcripts of Sgt. Mary M. Moody, Grievance Committee Chair, Warden Raphael Williams, and Commissioner Stanley Taylor from *Hubbard, et al. v. Taylor, et al.*, C.A. No. 00-531 SLR, MPCJF Institution Monthly Reports (D00002-00195), Grievance Logbook (D00196-00249), and Inmate Grievance Reports January 1999-December 1999 (D00250-00314).

The Clerk's office of the District Court may have additional information regarding other cases that may have been filed, but never served, or about specifics of documents referenced in the docket.

2. A total of all inmates that was being held in all your prisons total capacity each separated Smyrna, Georgetown and Gander Hill.

**RESPONSE:** In 1999: Howard R. Young Correctional Institute (Gander Hill) average inmate total was 1,807 and had an operating capacity of 1,180;

Delaware Correctional Center (Smyrna) average inmate total was 1,666 and had an operating capacity of 1,701; and,

Sussex Correctional Institute (Georgetown) average inmate total was 1,068 and had an operating capacity of 1,038.

Additionally, please refer to Multi-Purpose Criminal Justice Facility Average Inmate Population by month 1999-2001 (D00001).

3. I want to see when that prison was open and when it was single and then you doubled and tripled, with everything that was done to approve this and by whom this was done and the build coders and who approved this.

**RESPONSE:** Please refer to deposition transcript of Warden Raphael Williams of June 12, 2002 and 11 *Del.C.* § 6502.

4. I want all Complaints that was filed about how cold it was during the winter month and summer how cold it was sleeping on the floor and in the cell.

**RESPONSE:** Defendants are producing a copy of the logbook of all grievances filed by inmates in 1999 (D00196-00249), grievances filed by plaintiff (D00315-00330), copies of 1999 grievances that refer to temperature on the first floor of the Howard R. Young Correctional Institute (D00331-00400), Monthly Grievance Reports by Sgt. Mary Moody for 1999 (D00250-00314) and Sgt. Mary Moody deposition transcript from the case of *Hubbard v. Taylor*. Defendants are also producing temperature survey forms for August 2000, and January 2001 (D00455-00461), and MPCJF Institution Monthly reports for 1999 (D00002-00195).

5. All medical records containing to the July 6, 1999 incident report filed by everybody and even Medical Staff and Guards.

**RESPONSE:** Please refer to medical records at D00411-00454. A search continues for the incident report and, if it exists, it will be produced.

6. I want to see all reports containing to you at Gander Hill fixing that sink 1 year before and approximately 6 months after, with Grievance filed.

**RESPONSE:** Defendants could not locate any grievance by plaintiff that refers to a sink problem. Please refer to Maintenance Work Orders produced as D03000-D0541.

7. I want to see how sentenced inmates was charged and sentence was kept in 2 man cell at Gander Hill.

**RESPONSE:** Please refer to Warden Williams' June 12, 2002 deposition transcript. The Warden explains that generally unsentenced inmates were kept on the West side of the Facility where triple bunking was sometimes required as opposed to sentenced inmates who were generally kept on the East side where there was no triple bunking.

8. I want to see all complaints entered and all the people came to that building to check on the Fitness Center with how many inmates that was kept in the gym.

**RESPONSE:** Defendants are not in possession of any responsive documents.

9. I want to see the license of the Dr. you had stitch me up on July 6, 1999, and all suits filed against Gander Hill (Mal Practice) for the same Dr.

**RESPONSE:** Defendants are not in possession of the Doctor's license. The medical records being produced as D00411-00454 suggest that Keith Ivens, M.D. may have sutured your head on July 6, 1999. As to lawsuits against Dr.

Ivens, defendants are producing cm/ecf document query as to U.S. District Court lawsuits where Dr. Ivens may have been a party without regard to the nature of the claim. The Clerk's office of the District Court may be able to provide you with more specific information on those cases.

10. I want all Grievances that was filed about the heat and how cold it was on the first floor all complaints and repairs entered and fixed.

**RESPONSE:** Defendants are producing an index of all grievances filed by inmates in 1999 and copies of 1999 grievances that refer to temperature on the first floor of the Howard R. Young Correctional Institute.

11. I want all maintenance problems with the Heating System on the first floor.

**RESPONSE:** Defendants are producing all work orders for the facility for 1999 (bate stamped D 3000 – D 5401) and Affidavit of Douglas Rogers, Maintenance Supervisor for H.R.Y.C.I.

12. I want to know during this time kept in the cell at approx. 106% while bleeding. I want to know what the problems why inmates were kept in 106% to where repair only on the inmates section and in the hallways and in the Guards booth it was freezing. I want to see all repairs and coplaints to get that air conditioner repaired

**RESPONSE:** Please refer to work orders being produced in response to request No. 11 and inmate grievances produced in response to No. 4.

13. Witness all staff working on 1-2 shift that had contact with the inmates and the nurses from July 6, 1999 and DR.

**RESPONSE:** Please refer to medical file on plaintiff (D00411-00454).

STATE OF DELAWARE  
DEPARTMENT OF JUSTICE

/s/ Marc P. Niedzielski  
Marc P. Niedzielski, I.D. # 2616  
Richard W. Hubbard, I.D. #2442  
Deputy Attorneys General  
Carvel State Office Building  
820 N. French Street, 6th floor  
Wilmington, DE 19801  
(302) 577-8400  
Attorneys for Defendants

DATED: July 27, 2006

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

SAMUEL TURNER POOLE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 99-635-SLR
	)	
STAN TAYLOR, and	)	
RAPHAEL WILLIAMS,	)	
	)	
	)	
Defendants.	)	

**CERTIFICATE OF SERVICE**

The undersigned certifies that on the date indicated, he caused the attached document entitled Defendants' Revised Response to Plaintiff's Request for Production, and index of the documents being produced and the documents themselves to be served by United Parcel Service on the following individual:

Samuel Turner Poole  
BN 5599  
SCI Huntingdon  
1100 Pike Street  
Huntingdon, PA 16654-1112

/s/ Marc P. Niedzielski  
Marc P. Niedzielski  
Deputy Attorney General  
820 N. French Street, 6<sup>th</sup> Floor  
Wilmington, DE 19801  
(302) 577-8400

DATED: July 27, 2006